

EXHIBIT 1



G. Roxanne Elings
Co-Chair Trademarks Brand Management Group
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elingsr@gtlaw.com

April 12, 2011

VIA OVERNIGHT DELIVERY and ELECTRONIC MAIL

Albert S. Watkins, Esq.
Kodner Watkins Muchnick Weigley L.C.
The Bank of America Building
7800 Forsyth Blvd., Suite 700
St. Louis, MO 63105

Re: The North Face Apparel Corp. v. Williams Pharmacy, et al., 09-Civ-2029

Dear Al,

As per our discussion this morning, my office has been working closely with your office to effectuate completion of the terms of the Settlement Agreement, including

[REDACTED]

In light of our mutual efforts to finalize the terms of the Settlement Agreement, we were disappointed to learn of your clients' breach of the terms of both the Settlement Agreement and the Consent Injunction. Specifically, we recently learned about a new Facebook page for "The Butt Face," which was apparently started in 2010 but gained a following this past week, beginning on April 1, 2011, within just 24 hours of your clients' apparent termination of their social media presence for The South Butt. Apart from the obvious references on the site to The South Butt, the origin of The Butt Face is made clear by the information for the page as of March 29, 2011, which states: "Jimmy Winkelmann is at it again. Introducing The Butt Face. The Butt Face is a brand parody for people who prefer to wear an alternative to mainstream brands." See Exhibit A. This information page has since been changed to delete Mr. Winkelmann's name. See Exhibit B. Likewise, an early comment on the page from Claire Winkelmann, James A. Winkelmann Jr.'s sister, states that The Butt Face and The South Butt are "made by the same kid." See Exhibit C. We note that this comment has since been deleted from the Facebook page. See Exhibit D.

The launch of this social media site, and any related goods or services, is a breach of Section 1.1 of the Agreement, which prohibits use of "THE NORTH FACE Trademarks, or any other designation that is confusingly similar to THE NORTH FACE Trademarks, in any manner as to be likely to cause dilution, confusion, deception or mistake..." This

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conduct is further in violation of Section 1.2.3 of the Agreement, which prohibits use of phrases by your clients that attempt to use The North Face to market products, specifically including in electronic social media. Your clients' conduct is also in contempt of the Consent Injunction entered by the Court, including, *inter alia*, sections (a), (b), (e), (f) and (g).

In light of this clear, and seemingly intentional, breach and contempt, The North Face is well within its rights to seek recourse with the Court, including in an action for breach of contract or for an order of contempt for violation of the Consent Injunction. Pursuant to Section 2.2 of the Agreement, The North Face is also within its rights to withhold payment of [REDACTED] to your clients, which payment is expressly conditioned on your clients *not breaching* the Agreement "in any way" and fully performing under the Agreement.

Despite this breach, The North Face remains interested in truly finalizing this matter and amicably resolving these issues. With that in mind, The North Face will agree to pay the [REDACTED] contemplated by the agreement based on your clients' full and satisfactory performance of the following:

(1) Finalize all terms of the Settlement Agreement, including as set forth in the letters from Heidi Garfield to Michael Schwade dated March 28, 2011 and March 30, 2011;

(2) Completion of the Affidavit, as drafted by Greenberg Traurig (and subject to your review), including but not limiting to an affirmation by your clients that they [REDACTED]

[REDACTED]

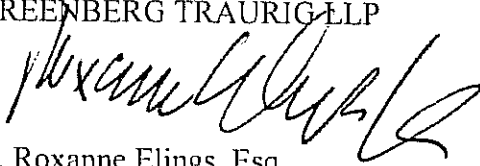
If your clients do not further breach the Agreement in any way and otherwise perform the terms above and as set forth in the Settlement Agreement, The North Face will agree to pay James A. Winkelmann Sr. the sum [REDACTED] within [REDACTED] days of The North Face's receipt of the affidavit. We have increased the time period from [REDACTED] days in light of your clients' quick and obvious breach of the Agreement in just 24 hours time. We believe this additional time will serve as a safeguard against further breach and give The North Face adequate time to ensure your clients' full performance and cooperation.

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April 12, 2011
Page 3

I appreciate your courtesies and look forward to hearing from you.

Sincerely,

GREENBERG TRAURIG LLP



G. Roxanne Elings, Esq.

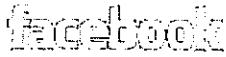
cc: The North Face Apparel Corp.

Exhibit A

This is Google's cache of <http://www.facebook.com/pages/The-Butt-Face/128212270567649?v=info>. It is a snapshot of the page as it appeared on Mar 29, 2011 02:38:10 GMT. The current page could have changed in the meantime. [Learn more](#)

These search terms are highlighted: the butt face winkelmann

[Text-only version](#)



Email

☐ Keep me logged in

Password

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Login

Sign Up

Facebook helps you connect and share with the people in your life.



NEVER STOP SMILING!

Wall (0)

Info (0)

Photos (0)

Discussions (0)

About

Coming soon...

3

people like this

[Create a Page](#)

[Report Page](#)

[Share](#)

The Butt Face

Like

Clothing

Basic Information

Founded

2010

About

Coming soon...

Description

Jimmy **Winkelmann** is at it again. Introducing **The Butt Face**. **The Butt Face** is a brand parody for people prefer to wear an alternative to mainstream brands.

Products

Tees, Hoodies, Jackets and more

Facebook © 2011 · English (US)

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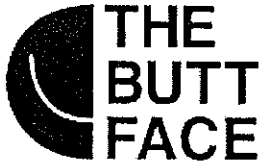
Exhibit B

The Butt Face (1)



1

Search



NEVER STOP SMILING!

[Wall](#)[Info](#)[Photos](#)[Discussions](#)**760**

people like this

Likes

OLOP

[Create a Page](#)[Report Page](#)[Share](#)**The Butt Face**[Like](#)

Clothing

Basic Information**Founded**

2010

Description

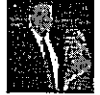
Introducing The Butt Face. The Butt Face is a brand parody for people prefer to wear an alternative to mainstream brands.

Products

Tees, Hoodies, Jackets and more

Likes and Interests**Likes**

OLOP

People You May Like**Sponsored**Bucket L
groupon.cRomanci
applewooWestche
groupon.cCalling A
bottlene

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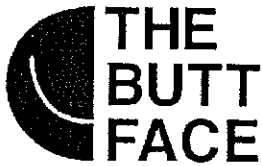
Chat (34)

Exhibit C

The Butt Face (1)



Search



NEVER STOP SMILING!

Wall

Info

Photos

Discussions

761

people like this

Likes



OLOP

Create a Page

Report Page

Share

The Butt Face

Like

Clothing

Wall

The Butt Face · Most Recent

People Y



Chris Ward

this is a ripoff of the south butt!!!!

16 hours ago



Claire Cali Winkelmann its made by the same kid

10 hours ago



Brian Bailey

awesome.

Sunday at 6:44pm



Chaz Bamba

yoo this is dank!

Sunday at 6:42pm



Rashad NoClipons Hamilton

crewneck sweaters?

Saturday at 8:26pm



Gabrielle Askins

this is amazing.

Saturday at 5:05pm



Nick Connachie

can i have one of your shirts?!?!?!?!?

Saturday at 11:37am

RECENT ACTIVITY

The Butt Face edited their About and Description.



Alan Hernandez

i love this

Saturday at 11:06am



Bruce Journey

Another Great Idea. Hats off to ya guys

Saturday at 8:57am



Chris Benack

Where are you selling them.....Hopefully at Williams ?

April 1 at 10:36pm



Bree Annaismylife Schatz

omg!!! i want a butt face shirt!!!

April 1 at 9:18pm

2 people like this.



Sponsor

Romanci
applewoo



70% Off
lifebooker



TEETH W
marquisd



Stopping



Like ·

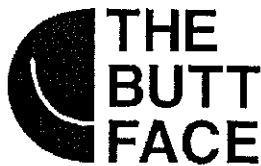
Chat (24)

Exhibit D

The Butt Face (1)

1

Search



NEVER STOP SMILING!

Wall

Info

Photos

Discussions

760

people like this

Likes



OLOP

Create a Page

Report Page

Share

The Butt Face

Like

Clothing

Wall

The Butt Face · Most Recent

People Y



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April 1 at 9:18pm

2 people like this.



Adam Gold I get the face part, just not the butt of the joke.

April 1 at 10:07pm



Bree Annaismylife Schatz hahahahahahaha lmao

April 1 at 10:08pm



Sponsor

Romanci
applewoo-



Bucket L
groupon.c



Need Mo
belltelloft



Monet's



Like ·

Christopher Shaw

Chat (30)